S.B. CIVIL MISC. APPEAL NO.1892/2006
(Madhulata & ors. Vs. Chairman, RSRTC & anr.)

Date of Order :: 30th July 2007

HON'BLE MR. JUSTICE DINESH MAHESHWARI

Mr.S.K.Sankhla for the appellants

For awarding compensation to the wife, sons and daughter of the vehicular accident victim Nenu Ram, said to be about 64 years of age, the Tribunal has noticed the assertion of the claimants about his monthly pension at Rs.4,624/- and further of his earning while working as accountant with three private firms; but for want of cogent corroborative evidence, the Tribunal has put an estimate on the monthly income of the deceased at Rs.3,000/- and with application of multiplier of 5 after deducting one-third on his personal expenditure, has assessed pecuniary loss at Rs.1,20,000/-(2000 x 12 x 5). While allowing Rs.35,000/- towards general damages, the Tribunal has awarded compensation in the sum of Rs.1,55,000/- and has allowed interest at the rate of 7.5% per annum from the date of filing of claim application. By way of this appeal, the claimants seek to question the award as being too low and inadequate.

Having examined the record of the case, this Court is satisfied that the considerations adopted by the Tribunal remain proper and valid; and the award made in this case

cannot be said to be suffering from any error of law or facts.

Assertion on the income of the deceased with reference to the certificates Ex.12, Ex.13 and Ex.14 issued by three firms remains hollow for want of cogent corroborative evidence. It is noticed that no person related with the said firms has been examined in evidence nor any documentary evidence in the form of accounts or vouchers has been produced in corroboration of the fact that the deceased was being paid the salary as stated in the said certificates. Even the nature of job has not been stated in the said certificates. In the facts of this case, the Tribunal cannot be said to have erred is not assigning any evidentary value to such certificates

In the over all circumstances of the case, the estimate as put by the Tribunal on the monthly income of the deceased at Rs.3,000/-; and thus taking of loss of contribution at Rs.2,000/- per month cannot be said to be inadequate.

Looking to the age of victim at about 64 years and the surrounding circumstances, the assessment of loss as made by the Tribunal with application of multiplier of 5, even if moderate, cannot be said to be too low or grossly inadequate so as to warrant interference in appeal.

The appeal fails and is, therefore, dismissed summarily.

(DINESH MAHESHWARI), J.

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